

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERIC DEMOND LOZANO,
TDCJ #1915276
Plaintiff,

v.

BRYAN COLLIER, ET AL.,
Defendants.

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§
§
§
§

CIVIL ACTION No. 3:18-CV-00237

DEFENDANTS MOTION FOR SUMMARY JUDGMENT

Exhibit H

SELF-AUTHENTICATING BUSINESS RECORDS AFFIDAVIT:

AFFIDAVIT OF TIMOTHY JONES

“My name is Timothy Jones and I am an employee of the TDCJ, a governmental agency. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the following is true and correct. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein.

“I am the custodian of records for the Rehabilitation Programs Division/Chaplaincy Department of the Texas Department of Criminal Justice (“TDCJ”). **This request is for all Chaplaincy records regarding offender Lozano, Eric #1915276.** These are records which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.”

Executed in Walker County, State of Texas, on the 28th day of May, 2020.



Timothy Jones
Manager IV -
Deputy Director Religious Services
Rehabilitation Programs Division
Texas Department of Criminal Justice

SELF-AUTHENTICATING BUSINESS RECORDS AFFIDAVIT:

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Texas Department of Criminal Justice

CSITP011 TEXAS DEPARTMENT OF CRIMINAL JUSTICE
1BMK OFFENDER FAITH CODE SYSTEM 05/22/2020
PAGE: 001 OF 001 ADD OFFENDER FAITH RECORD 11:49:42
NAME: LOZANO, ERIC D UNIT: R2 RACE: B STATUS: A
SID: 05109992 TDCJ-ID: 01915276 CURRENT REL PREF CODE: M00 DATE 2014-04-11
ENTER NEW FAITH CODE: _____ DATE: ____ - ____ - ____ I60/ADM: _ (I/A)

CODE	DESCRIPTION	EFFECTIVE DATE	UNIT	I/A	DATE KEYED
M00	MUSLIM	04/11/2014			2014-04-11
M00	MUSLIM	12/27/1999	ML	I	1999-12-30
B00	BAPTIST	04/17/1994	ML		1997-12-13

ENTER TDCJ-ID: _____ OR SID: _____
PF1 = HELP PF3 = MENU PF7 = UP PF8 = DOWN

My name is ERIC Demond LOZANO #1915276 and I'm currently incarcerated on the Stringfellow unit. The reason for this letter is because I submitted an HQ 150 for review, for an ISLAMIC (MUSLIM) DORM back in March 2018 and haven't received a response from the Religious Practice Committee for their decision. It seems like when a muslim submit an HQ 150 that they never come back with an answer. I would like an answer to my HQ 150.
Thank you.

Respectfully,

Eric D Lozano

ERIC Demond LOZANO #1915276

Stringfellow unit

1200 Fm 655

Rosharon, Texas

77583

TEXAS DEPARTMENT
OF CRIMINAL JUSTICE

FEB 19 2019

RPD CHAPLAINCY
ADMINISTRATION

My Name IS ERIC Demond LOZANO #1915276 And I'm currently Incarcerated on the Stringfellow unit. The Reason For this Letter IS Because You Timothy Jones INV ID: 12546 Investigated Grievance # 2018156879 7/31/18 About Jumatt Showers, Stating that its no Policy that says muslims shower without Population which the Unit Chaplain has been violating this Policy Per CM 06.01 Procedures III E states "The Unit Chaplain shall coordinate with the warden to Allow muslims offenders to shower PRIOR to Jumatt Service in order to meet there Holy obligation For Cleanliness IN Prayer." For the time I've been on this unit and this grievance WAS APPARENTLY denied by you. Which IS a discrimination by you and the Unit Chaplain because she was not told to make sure we shower without Population For Jumatt Showers. ON 24 April 2017 INV ID: 12205 GR# 2017096997 From the Grievance Investigation work sheet Michael E. Rutledge State on his Step 2 investigation "muslims however do shower PRIOR TO attending Jumatt which IS separate From shower time of General Population. Which we are being violated and Head Chaplaincy in Huntsville IS not doing anything about it. Which I have a Lawsuit in court behind the violation of Policy which since I have the Grievance Investigation work sheets. I can now Add your name to be Sued For discriminating And violating Policy unless you get this Chaplain to Follow Policy and give us muslims A shower away From Population by ourselves So we can fulfill our Religious obligations. Thank you ~~Lozano-000075~~ may God bless you.

OFFENDER CORRESPONDENCE

TDCJ #	1915276
Offender	ERIC D. LOZANO
Unit	E Ellis
Faith	Muslim
Issue	Beards issue
Region	1 Dan
Date to Regional	

R
8-24-16



**Religious Practices
Committee Meeting**

March 25, 2019
RPD Conference Room, Suite 100
Huntsville, Texas (West Hill Mall)

Minutes

Chairman:	Timothy Jones		
Type of Meeting:	Open Forum Discussion		
Attendees:	Rene Hinojosa, Lorie Davis, Sharon Howell, Marvin Dunbar, Billy Hirsch, Leonard Echessa, Tracy Bailey, Thomas Brouwer, Erik Brown, Calysta Lantiegne, Hilaria Leon, Shayne Roberts, Amanda Regulus		
Voted Items:			
	1. Approval of July 3, 2018 RPC meeting minutes.		
Action Taken:	<u>Minutes approved</u>		
	2. Approval of August 29, 2018 RPC meeting minutes.		
Action Taken:	<u>Minutes approved</u>		
	3. Amaro, Paul #01498016		
Request:	Offender Amaro, Paul #01498016 of the Boyd Unit whose faith preference is listed as Native American is requesting: (1) "The Native American Community is requesting that flutes (x3) please be made available to the community and added to the inventory"		
Discussion:	Request denied, the item was not acquired in an appropriate manner.		
Action Taken:	<u>1. Request denied</u>	Deadline:	<u>N/A</u>
	4. Hicks, Norris #00505593		
Request:	Offender Hicks, Norris #00505593 of the Coffield Unit, whose faith preference is listed as Muslim is requesting: (1) "Request Chaplaincy Policy 06.01, IV, 5 state that Ramadan meals including the Eid be prepared by Muslims" (2) "...Muslims be allowed to prepare their meals for Ramadan and the Eids..."		
Discussion:	Request denied, per the offender's religious authority this is not a requirement of the faith.		
Action Taken:	<u>1. Request denied</u>	Deadline:	<u>N/A</u>
	5. Hornsby, Fred #00697944		
Request:	Offender Hornsby, Fred #00697944 of the Coffield Unit, whose faith preference is listed as Rastafarian is requesting: (1) "To practice Rastafari according to my sincerely held religious belief and devotion and praise to Jah" (2) "That I be allowed to possess purchase and obtain the religious items that are essential to my sincerely held religious beliefs" (3) "That I be allowed to practice ceremonial rituals to Jah with the mandatory religious items including ganja, Ankh, Flag, incense, picture of H.I.M., and Lion" (4) "That I be allowed dreads, crown, medallion, and Holy Days with religious significant meals..."		
Discussion:	Request denied, the committee chooses not to make changes to existing policy.		
Action Taken:	<u>1. Request denied</u>	Deadline:	<u>N/A</u>
	6. Johnson, Steven #00595819		
Request:	Offender Johnson, Steven #00595819 of the Stiles Unit, whose faith preference is listed as Muslim is requesting: (1) "Turbah Stone (a small disk used in prostration made of boxed clay, approximately 1" to 1½" in diameter in which to place the forehead upon..."		
Discussion:	Request for a Turbah Stone made of clay is denied, however the committee permits the use of unmodified paper an alternate. The paper will not be considered a sacred item and is subject to search and confiscation.		
Action Taken:	<u>1. Request denied</u>	Deadline:	<u>N/A</u>
	7. Mitchell, Zedrick #02162579		
Request:	Offender Mitchell, Zedric #02162579 of the Byrd Unit, whose faith preference is listed as Muslim is requesting: (1) "...for medical reasons...requesting a prayer rug with a cushion insert"		
Discussion:	Request for a prayer rug with a cushion insert is denied. However, offenders are permitted a prayer rug that meets established specifications.		
Action Taken:	<u>1. Request denied</u>	Deadline:	<u>N/A</u>

Lozano -000077

8. Rojas, Ruben #01383202		
Request: Offender Rojas, Ruben #01383202 of the Robertson Unit, whose faith preference is listed as Jehovah's Witness is requesting: (1) "...permission to meet together on March 31, 2018 after sundown to observe the memorial of Christ's death...red wine substitute and unleavened bread to be passed as symbolic emblems and representing Christ's blood and body...those with lay-ins for Jehovah's Witness be allowed to attend...hold the service at approximately 7:30 pm"		
Discussion:	Request denied, this is considered a secondary service. Secondary services are scheduled dependent upon the availability of time, space, security, and an approved volunteer. Wine or a substitute may be used in accordance with established policy and procedures. Additionally, volunteers are permitted to donate food items in accordance with established policy and procedure.	
Action Taken:	1. Request denied	Deadline: N/A
9. Saldana, Gilberto #01944503		
Request: Offender Saldana, Gilberto #01944503 of the Lewis Unit, whose faith preference is listed as Native American is requesting: (1) "To let my/our hair grow. The hair on our heads" (2) "Access to sacred herbs (i.e. Sage, Sweetgrass, Cedar) Regardless if the unit we're on has a Native American Chaplain or not".		
Discussion:	1. Request denied, the committee declines to make an exception to the current grooming policy. Additionally, the current practice will remain the same in regards to access to sacred herbs due to security concerns with the introduction and detection of similar substances.	
Action Taken:	1. Request denied	Deadline: N/A
10. Westbrook, Jeffery #00670281		
Request: Offender Westbrook, Jeffery #00670281 of the Robertson Unit, whose faith preference is listed as Roman Catholic is requesting: (1) "Permission to send sealed correspondence to a Catholic priest for the specific purpose of confession and religious instruction..."		
Discussion:	1. Request denied, per the offender's religious authority confession is not permitted through correspondence.	
Action Taken:	1. Request denied	Deadline: N/A
11. Young, Cynthia #01730768		
Request: Offender Young, Cynthia #01730768 of the Crain Unit, whose faith preference is listed as Latter Day Saints Reorganized is requesting: (1) "1st Sunday of the month fast Sunday from sun up to sundown. We eat breakfast before sun up and eat after sundown. We do not drink coffee or tea, it's part of our doctrine and covenants to withstand"		
Discussion:	1. Request denied, however per the offender's religious authority the fast may be achieved by going without eating or drinking for two consecutive meals. Hot meals and johnny will not be provided, however offender's have access to food items in the unit commissary.	
Action Taken:	1. Request denied	Deadline: N/A
12. Zapata, Roger #01819371		
Request: Offender Zapata, Roger #01819371 of the Stringfellow Unit, whose faith preference is listed as Native American is requesting: (1) "Change the restriction of the sacred bead having to be black only..." (2) "Change the restriction on the number of beads allowed with the medicine bag or pouch..."		
Discussion:	1. Request denied. Per the offender's religious authority, all colors are contained in black.	
Action Taken:	1. Request denied	Deadline: N/A
13. Kolbe Cross Medallion		
Request: Deacon Robert Leibrecht, Director of Criminal Justice Ministry, Catholic Archdiocese of San Antonio is requesting: (1) "...approval that each inmate attending a Kolbe retreat in a TDCJ unit be given a Trinitarian crucifix medallion"		
Discussion:	Request approved. Offenders are permitted to possess only one religious medallion appropriate for their faith preference of record.	
Action Taken:	1. Request approved	Deadline: N/A
14. Drum Replacement for Hughes Unit Native American Bundle		
Request: Shawana Mitchell, contract Native American Chaplain is requesting: (1) "...approval for the replacement of a damaged drum and drumsticks" in the Hughes Unit Native American bundle		
Discussion:	Request approved.	
Action Taken:	1. Request approved	Deadline: N/A

Lozano -000078

Deferred Items:

Offender Simmons, Donald #01302502 of the Ellis Unit, whose faith preference is listed as Nations of Gods and Earths is requesting:

- (1) "To meet and study with other adherents of the NOGE in the same manner that other religions or other faith are recognized by the TDCJ are permitted"
- (2) "Purchase and wear crown, which is similar to the Kufi worn by Muslim inmates adorned by a tassel, also a prayer rug along with faith or religious pendants"
- (3) "To send, receive, and possess NOGE literature and celebrate NOGE holidays and holiday meals as allowed for other faith or religious yearly holidays each year"

Non-Voted Items:

Offender Allen, John #01123970 of the Estelle Unit, whose faith preference is listed as Nation of Islam is requesting:

- (1) "To have the Nation of Islam a primary service so the people that is under Nation of Islam can attend on the 1st Sunday of each month"
- (2) "...to have a class every week for Nation of Islam members..."

– Request denied, this is considered a secondary service. Secondary services are scheduled dependent upon the availability of time, space, security, and an approved volunteer.

Offender Duhon, Matthew #01569762 of the Estes Unit, whose faith preference is listed as Wiccan is requesting:

- (1) "To hold a separate service from the Odinist/Asatru."

– Request denied, this is considered a secondary service. Secondary services are scheduled dependent upon the availability of time, space, security, and an approved volunteer.

Offender Hamilton, Michael #01560606 of the Michael Unit, whose faith preference is listed as Wiccan is requesting:

- (1) "That TDCJ recognize all 8 Wiccan Holidays as a communal feast and provide Wiccan offenders lay-ins for these holidays..."

– Request denied, as denied at the October 24, 2014 RPC Meeting and upheld at the August 7, 2017 meeting. Per the religious authorities, special observance days and feasts are not mandatory to practice the Wiccan faith.

Offender Lozano, Eric #01915276 of the Stringfellow Unit, whose faith preference is listed as Muslim is requesting:

- (1) "...requesting an all Muslim dorm so we can have time for our Jumrah, Taleem and Quranic Studies with a TV, DVD, and CD players where we can learn our religion and it's language. I'm requesting this because we lack volunteers and it would be less costly and we could all be together where our religious right would not be violated."

– Request denied, this is considered a secondary service. Secondary services are scheduled dependent upon the availability of time, space, security, and an approved volunteer.

Offender Marshall, Patrick #01963391 of the Stevenson Unit, whose faith preference is listed as Messianic Jewish is requesting:

- (1) "Holy day communal meal for Passover"
- (2) "Holy day communal meal for Pentecost/Shavuoth/Feast of Weeks"
- (3) "Holy day(s) communal meal for Feast of Tabernacles"
- (4) "Communal meal on Feast of Purim"

– Request denied, this is considered a secondary service. Secondary services are scheduled dependent upon the availability of time, space, security, and an approved volunteer.

Offender Nuno, Jesse #01382638 of the Briscoe Unit whose faith preference is listed as Wiccan is requesting:

- (1) "Approval of communal meals provided by the inmate dining room for the following holiday/celebrations: Yule, Imbloc, Ostara, Litha, Lammas, Mabon, and Samahain"
- (2) "Lay-ins for the communal meals with time to celebrate"

– Request denied, as denied at the October 24, 2014 RPC meeting and upheld at the August 7, 2017 RPC meeting. Per the religious authorities, special observance days and feasts are not mandatory to practice the Wiccan faith.

Offender Reddell, Patrick #01347964 of the Daniel Unit, whose faith preference is listed as Messianic Jewish is requesting:

- (1) "To receive and wore a Tillit Katan (Basic it a T-shirt with tzitzit on corners of it)"..."keep on person all the time"..."can be tunk in pants when not in cell or worship service"

– Request approved, as approved at the August 7, 2017 RPC Meeting.

Offender Swagger, Arthur #01589871 of the Stiles Unit, whose faith preference is listed as Messianic Jewish is requesting:

- (1) "...worship service for Messianics"
- (2) "...lay-ins for all Jewish Holy/Commemoration Days, including Passover"
- (3) "...sack meals for Fast Days including but not limited to The Fast of Esther"
- (4) "...to be allowed a seder meal/service to celebrate Passover"

– Request denied, this is considered a secondary service. Secondary services are scheduled dependent upon the availability of time, space, security, and an approved volunteer.

Offender Turner, Noel #01861086 of the Jester III Unit, whose faith preference is listed as Jewish is requesting:

- (1) "To keep tefillin in house or to be able to have morning access on a daily basis"

– Request denied as denied at the August 7, 2017 RPC meeting. The tefillin shall be stored by the Unit Chaplain and used only during worship under direct supervision.

Offender Warren, James #01787787 of the Estelle Unit, whose faith preference is listed as African Hebrew Israelite is requesting:

- (1) "For African Hebrew Israelite to be put under the Orthodox umbrella...African Hebrew Israelites are not Sabbatarian or Messianic."

– Request denied as denied at the April 10, 2014 RPC meeting and upheld at the January 27, 2017 RPC meeting. This is considered a secondary service. A volunteer must be present to conduct secondary services.

Lozano -000079

Offender Weathers, Obie #00999396 of the Polunsky Unit, whose faith preference is listed as Buddhist is requesting:

(1) "...purchase and use a Buddhist designed and approved meditation cushion and mat...The mat and cushion will be purchased from Dharma Crafts, a company that is noted for its high quality and well-designed Buddhist supplies..."

– Request denied as denied at the August 7, 2017 RPC meeting. A yoga mat or prayer rug may be used as an alternate.

Offender Wilson, Danny #01770656 of the Telford Unit, whose faith preference is listed as Hebrew Israelite is requesting:

(1) "I would like a Hebrew Israelite Service, or to be transferred to one of the units that provide a Hebrew Israelite Service. Michael or Beto Units."

– Request denied, this is considered a secondary service. Secondary services are scheduled dependent upon the availability of time, space, security, and an approved volunteer.

AD-07.30 (rev. 7)
Attachment B
Page 10 of 11

TEXAS DEPARTMENT OF CRIMINAL JUSTICE Religious Practice Issue Assessment	
Offender Name Lozano, Eric D.	TDCJ #: 01915276 Date: May 18, 2018
Unit: Stringfellow	Housing: C14-1-17T
Offender's faith preference on the SSNO screen and travel card:	
Islam	
1. Clearly state the offender's request for a religious accommodation:	
Offender is requesting a Muslim dorm with dvd, tv and cd players to learn about their faith.	
2. Assess the requested accommodation as part of the offender's faith preference:	
A. Offender interviewed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Date of interview: March 21, 2018	
B. Summary of offender interview:	
Offender would like a dorm for Muslim offenders in order for to have Islamic studies in the dorm	
To learn about the quran and their language without a free world volunteer.	
C. Does the offender's faith preference (as listed on the SSNO screen and travel card) require the object or practice? Yes <input type="checkbox"/> No <input type="checkbox"/>	
D. Has the offender provided any reference to textural religious authority or sacred writings in support of the requested accommodation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, list and summarize:	
Per the Quran and Sura states that Jumah, Taleem and Quranic studys are mandatory for all muslims.	
E. List and summarize any other references to textural religious authority or sacred writings gathered from research:	
NA	
F. Were you able to verify a religious requirement? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
G. Was a religious authority contacted? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
H. Please provide name, title, address, phone, fax, and email of religious authorities contacted:	
Name/Title:	USUF Y.U.Abdul-Hakeem
Address:	1270 West Cardinal Drive, Beaumont, Texas 77705
Phone, fax, email:	(409) 842-5349
Name/Title:	
Address:	
Phone, fax, email:	
I. Summarize religious authorities' perspective on the requested religious accommodation:	
Attempted to contact the religious authority at (409) 842-5349 on several occasions and left a message	
For someone to contact me at my telephone number in regarding the offender's concerns:	
The religious authority never returned my calls.	

LOZANO -000081

AD-07.30 (rev. 7)

Attachment B

Page 11 of 11

3. Identify, in conjunction with the warden or designee, any compelling countervailing considerations. Check and describe all that apply:

- ☐ a. None (Skip to item #4) ☐ f. Excessive administrative burden (explain)
☐ b. Offender safety issue ☐ g. Unavailability of space
☐ c. Unit safety/security issue h. Scheduling limitation, such as time
☐ d. Unavailability of non-TDCJ or volunteer leadership ☐ i. Appropriate supervision unavailable
☐ e. Accommodation would violate other law/court order x ☒ j. Other (Explain)

The TDCJ Chaplaincy department is the authority who is able to accommodate the request for this Offender.

4. If the request is clearly a recognized practice of the offender's designated faith preference and there are no compelling considerations checked and described in item #3 (above), then the request shall be accommodated. However, if one or more considerations in item #3 are present, identify in conjunction with the warden or designee, and if possible with the cooperation of the offender, any alternative accommodation.

5. Alternative accommodation proposed (check and describe below):

Note: A recommendation here is only appropriate when the initial request has been denied.

No alternative recommendation is given.

6. Chaplain Comments:

None.

PRINTED NAME: Lettie A. Watkins

SIGNATURE: *[Signature]*

DATE: 5/18/18

7. Warden Comments:

Unable to accommodate at this time.

PRINTED NAME: *P. Cooper*

SIGNATURE: *[Signature]*

DATE: 5-31-18

8. Religious Practice Committee (RPC) Decision: ☐ Approve ☐ Approve alternative ☐ Deny

RPC CHAIRMAN PRINTED NAME:

SIGNATURE:

DATE: 07

Resubmitted

AD-07.30 (rev. 7)

Attachment A

Page 9 of 11

TEXAS DEPARTMENT OF CRIMINAL JUSTICE Request for Religious Accommodation	
Offender Name: <i>ERIC D LOZANO</i>	TDCJ #: <i>1915276</i> Date: <i>3-17-18</i>
Unit: <i>STRING FELLOW</i>	Housing: <i>C14 1-17T</i>
Attach additional papers as needed	
1. What is your faith preference? <i>ISLAM</i>	
2. What is the specific accommodation that you are requesting? (Please be specific)	
<p>A. <i>I'm Requesting AN All muslim dorm, so we CAN have time For our Jumah, TA leem And QURANIC studies</i></p> <p>B. <i>With a DVD T.V. And CD players where we can learn our Religion and its Language</i></p> <p>C. <i>I'm Requesting this because we lack volunteers And it would be less costly</i></p> <p>D. <i>And we could All be together where our Religious Right would not be Violated.</i></p>	
3. What is the basis for your requested religious accommodation? (How your request is supported by the writings or traditions of your religion – please be specific)	
<p>A. <i>JUMAH IS MANDATORY For all muslims with Adequate time. Also TA leem IS TRADITIONAL AS well AS QURANIC studies. How CAN we truly</i></p> <p>B. <i>Learn the QURAN And the Religion if we don't never have time to</i></p> <p>C. <i>Teach And Learn From one Another. we ARE ASKING For the opportunity to not be DISCRIMINATED AGAINST And be able to</i></p> <p>D. <i>Learn the Religion of ISLAM.</i></p> <p style="text-align: right;"><i>Thank You. @</i></p>	
4. Who are the religious authorities who can verify this request? Please provide name, title, address, phone, fax, and email of religious authorities:	
1) Name/Title:	<i>USUF Y. u. Abdul-Hakeem</i>
Address:	<i>1270 West CARDINAL Drive, Beaumont, TX 77705</i>
Phone, fax, email:	<i>409-842-5349</i>
2) Name/Title:	
Address:	
Phone, fax, email:	
Offender Signature: <i>Eric D Lozano</i>	Date: <i>3-17-18</i>

*Sura Jumah
(lets in the Quran)*

TEXAS DEPARTMENT
OF CRIMINAL JUSTICE

APR 11 2018

Lozano-000083
ADMINISTRATION